UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK	
MARK R. FERRAN and NADIA FERRAN,	

1:05-CV-00161 (DNH/CFH)

Plaintiffs,

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OFFICE OF THE DISTRICT ATTORNEY OF THE COUNTY OF RENSSELAER; KENNETH R. BRUNO, in his individual and official capacity; RENSSELAER COUNTY; PATRICIA DEANGELIS, District Attorney, in her individual and official capacity; and JAMES CANFIELD, individually and in his capacity as Justice of the Supreme Court of the State of New York,

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APPEARANCES:

MARK R. FERRAN Plaintiff pro se 36 Winnie Road, Apt. 1A Albany, NY 12208

NADIAN FERRAN Plaintiff pro se 114 Morton Avenue Albany, NY 12202

HON. ANDREW M. CUOMO Attorney General for the State of New York Attorney for Defendants The Capitol Albany, NY 12224 JAMES B. McGOWAN, ESQ. Ass't Attorney General

DAVID N. HURD United States District Judge

DECISION and ORDER

Plaintiffs brought this civil rights action pursuant to 42 U.S.C. § 1983. On June 28, 2013, the Honorable Chrisitian F. Hummel, United States Magistrate Judge, advised, by Report-Recommendation, that this matter be dismissed without prejudice due to the plaintiffs' failure to serve the complaint within the time specified by the Federal Rules of Civil

Procedure. Plaintiffs timely filed objections to the Report-Recommendation.

Based upon a de novo determination of the portions of the Report-Recommendation to which plaintiffs objected, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

Plaintiffs' complaint is DISMISSED without prejudice due to their failure to serve the complaint within the time specified by the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

United States District Judge

Dated: July 17, 2013

Utica, New York.